

Application No.: 10/635,864
Response dated June 21, 2006
Reply to Office Action of: April 25, 2006
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REMARKS

Reconsideration of the present claims, in light of the Remarks which follow, is respectfully requested.

The amendment after Final filed June 5, 2006, was not entered, therefore the accompanying Request for Continuing Examination is being filed to continue examination.

Claims now before the Examiner are 1-19.

Support for the claim amendments (claims 1 and 5) and for the new claims (14-19) may be found paragraph [0134], page 30. Applicants note that at each occurrence of the level of metal the recitation is *of a certain level*, "or less". Applicants have chosen a number of pairs of these levels for claim elements.

The numbering in this Response will follow that of the Examiner's action.

1. No response necessary.

Double Patenting

- 2.-3. *Claims 1-13 stand provisionally rejected over USSN 10/772,823.*

Upon indication of allowable subject matter in the present case, a Terminal Disclaimer will be filed.

Rejections under 35 USC § 102 and/or 35 USC § 103

- 4.-6. *Claims 1-13 stand rejected under 35 USC § 102(b) as Anticipated or under 35 USC § 103(a) as Obvious over US 5,639,834 (Debras).*

As amended, claim 1 contains the element "...a residual zirconium or hafnium metal content". There is no disclosure in Debras to a metal content as now claimed.

Additionally, there is no disclosure in Debras to the zirconium or hafnium content reflected in claims 5 and 14-19.

Furthermore, the Examiner's holding regarding the patentability of product-by-process claims can also be read as in MPEP § 2113 "... where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final

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product." Applicants respectfully submit that the differences of residual metal and/or the effect of a combination of a metallocene catalyst and a Group 15 containing compound would give rise to the aforementioned "distinctive structural characteristics".

Accordingly, withdrawal of the Rejections is respectfully requested.

7. No response necessary.

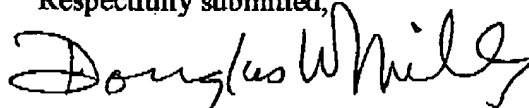
The claims are in condition for allowance.

Note is made that the correspondence should be sent to:

Douglas W. Miller
In representation of Univation Technologies, LLC
c/o Maureen M. White
5555 San Felipe, Suite 1950
Houston, Texas 77056
Facsimile: 713.892.3687

However the telephone number for Douglas W. Miller is (409) 763-4200.

Respectfully submitted,



Douglas W. Miller
Agent for Applicants
Registration No. 36,608

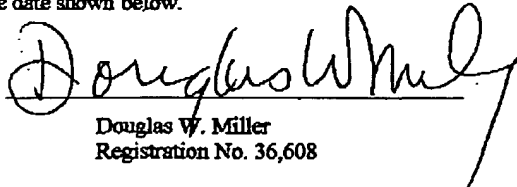
Southwest Patent Services
305 21st Street, Suite 249
Galveston, Texas 77550
Phone: (409) 763-4200
Facsimile: (409) 763-4201

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

6.21.06

Date



Douglas W. Miller
Registration No. 36,608